

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
One Judiciary Square
441 Fourth Street, NW
Washington, DC 20001-2714
TEL: (202) 442-9094 FAX: (202) 442-4789

DPW, Petitioner, v. SAMARITAN INNS INC., Respondent

Case No.: 2011-DPW-K188461 -- Notice of Violation No.: K188461

FINAL ORDER

The Department of Public Works (“DPW”) mailed the attached Notice of Violation (“NOV”) to Respondent by certified mail, return receipt requested. Respondent did not answer the NOV. When a respondent fails to answer, an Administrative Law Judge may find the respondent in default and impose a fine and penalty if two conditions are met: The NOV must appear valid on its face, and DPW must have submitted evidence that it properly served the NOV on Respondent.¹

The NOV appears valid on its face. DPW filed the signed return receipt showing the NOV was properly mailed to Respondent. I conclude that Respondent had adequate notice of the charges.²

The fine amount sought by DPW is authorized by law. Because Respondent has not answered, Respondent now must pay the fine plus a penalty of the same amount for failing to answer. Respondent now owes **\$150.00** (fine plus penalty).

Accordingly, it is, this **3rd** day of **January**, 2012:

ORDERED,

- Respondent is in **DEFAULT** in this matter and is **LIABLE** for the violations charged in the NOV and for abatement costs.
- Respondent **SHALL PAY** a total of **\$150.00** according to the instructions below within 35 calendar days of the mailing date of this Order.

¹ D.C. Official Code § 8-807(c); OAH Rule 2805.5.

² D.C. Official Code § 8-803(c); *see Kidd Int’l Home Care, Inc. v. Prince*, 917 A.2d 1083, 1086 (D.C. 2007) (due process requires notice “reasonably calculated to afford the party an opportunity to be heard”); *Dusenberry v. United States*, 534 U.S. 161, 170 (2002).

- If Respondent does not pay, interest shall accrue on the unpaid amount at the rate of 1½ % per month or portion thereof, starting 35 calendar days from the mailing date of this Order.
- Failure to comply with the below payment instructions and to send a payment within the time specified may result in additional sanctions, including the suspension of Respondent's licenses or permits, and the placement of a lien on Respondent's real and personal property, D.C. Official Code § 8-807;
- The appeal rights of any person aggrieved by this Order are stated below.

Ann C. Yahner
Principal Administrative Law Judge

PAYMENT INSTRUCTIONS

Payment must be mailed or hand-delivered to the Clerk of the Office of Administrative Hearings. Payments are only accepted by check or money order and must be made payable to "D.C. TREASURER." Please write the "K" number in the memo line. Mail or hand-deliver to:

Clerk, Office of Administrative Hearings
One Judiciary Square
441 Fourth Street, NW
Washington, DC 20001-2714

If you have questions, please call the Clerk, Office of Administrative Hearings: (202) 442-9094.

District of Columbia
Office of Administrative Hearings
One Judiciary Square
441 Fourth Street, NW
Washington, DC 20001-2714

Samaritans Inns Inc.
2523 14th St. NW
Washington, DC 20009

Certificate of Service:

By U.S. Mail (Postage Paid):

Samaritans Inns Inc.
2523 14th St. NW
Washington, DC 20009

I hereby certify that on _____,
2012, a copy of this document and its
attachment's was caused to be delivered to
Respondent and DPW at the addresses listed
and by the means stated.

Clerk / Deputy Clerk

By Inter-Agency Mail:

Christine V. Davis
General Counsel
Department of Public Works
2000 14th Street, NW, 6th Floor
Washington, DC 20009

Reginald L. May
Department of Public Works
2800B New York Avenue, NE
Washington, DC 20002

After an administrative law judge has issued a Final Order, a party may ask the judge to change the Final Order and ask the District of Columbia Court of Appeals to change the Final Order. There are important time limitations described below for doing so.

HOW TO REQUEST THE ADMINISTRATIVE LAW JUDGE TO CHANGE THE FINAL ORDER

Under certain limited circumstances and within certain time limits, a party may file a written request asking the administrative law judge to change a final order. OAH Rule 2828 explains the circumstances under which such a request may be made. Rule 2828 and other OAH rules are available at www.oah.dc.gov and at OAH's office.

A request to change a final order does not affect the party's obligation to comply with the final order and to pay any fine or penalty. If a request to change a final order is received at OAH **within 10 calendar days** of the date the Final Order was filed (**15 calendar days** if OAH mailed the final order to you), the period for filing an appeal with the District of Columbia Court of Appeals does not begin to run until the Administrative Law Judge rules on the request. **A request for a change in a final order will not be considered if it is received at OAH more than 120 calendar days of the date the Final Order was filed (125 calendar days if OAH mailed the Final Order to you).**

HOW TO APPEAL THE FINAL ORDER TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

Pursuant to D.C. Official Code § 2-1831.16(c)-(e), any party suffering a legal wrong or adversely affected or aggrieved by this Order may seek judicial review by filing a Petition for Review and six copies with the District of Columbia Court of Appeals at the following address:

Clerk
District of Columbia Court of Appeals
430 E Street, NW, Room 115
Washington, DC 20001

The Petition for Review (and required copies) may be mailed or delivered to the Court of Appeals, and must be received there within 30 calendar days of the mailing date of this Order, pursuant to D.C. App. R. 15(a)(2). There is a \$100 fee for filing a Petition for Review. Persons who are unable to pay the filing fee may file a motion and affidavit to proceed without the payment of the fee when they file the Petition for Review. Information on petitions for review can be found in Title III of the Court of Appeals' Rules, which are available from the Clerk of the Court of Appeals, or at www.dcappeals.gov.

IMPORTANT NOTICE FOR SERVICE MEMBERS ONLY

If you are a member of the United States Armed Forces on active duty, you MAY have the right to have this default order set aside under the provisions of the Servicemembers Civil Relief Act, 50 U.S.C. Appx. § 521(g). If you think you may qualify under this law, you must notify the Office of Administrative Hearings promptly to ensure that your rights are protected.